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SOCIAL DEVELOPMENT: CRIME PREVENTION AND CRIMINAL JUSTICE

Measures taken to implement the Statement of Principles and Programme of Action of the United Nations crime prevention and criminal justice programme

Report of the Secretary-General

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 4	3
II.	FIRST SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE	5 - 12	4
III.	ACTION TAKEN BY THE ECONOMIC AND SOCIAL COUNCIL	13 - 16	6
IV.	POLICY DEVELOPMENT AND PROGRAMME IMPLEMENTATION	17 - 72	7
	A. Operational activities	17 - 41	7
	B. Translating United Nations instruments and guidelines into reality	42 - 44	13
	C. Global clearing-house functions: research, information collection, analysis and dissemination	45 - 50	14
	D. Collaboration and coordination	51 - 68	
	E. Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders	69 - 72	20

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CONTENTS (continued)

		Paragraphs	Page
V.	BUILDING THE INSTITUTIONAL CAPACITY OF THE NEW PROGRAMME	73 - 79	21
VI.	CONCLUDING REMARKS	80	23

INTRODUCTION

1. The adoption by the General Assembly, at its forty-sixth session, of resolution 46/152 of 18 December 1991, on the creation of an effective United Nations crime prevention and criminal justice programme, concluded a five-year review process undertaken to enhance United Nations activities in this field, make them more responsive to the needs of Member States and increase their impact. The review, requested by the General Assembly in its resolution 45/108 of 14 December 1990, which was adopted on the recommendation of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, involved the Committee on Crime Prevention and Control, the Economic and Social Council and the General Assembly, at successive sessions. All emphasized the disparity between the expanding requirements for national action and international cooperation to counter escalating and increasingly transnational forms of contemporary crime, and the limited United Nations capacity to meet these needs.

2. Pursuant to General Assembly resolution 45/108, the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme was held at Versailles from 21 to 23 November 1991. That Meeting considered the proposals of the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme, which met at Vienna from 5 to 9 August 1991. The Statement of Principles and Programme of Action adopted at Versailles were approved by the General Assembly in its resolution 46/152 and are contained in the annex to that resolution; the Assembly also requested the Secretary-General to report to the General Assembly at its forty-seventh session on measures taken for their implementation.

3. In the Statement of Principles, Member States noted that rising crime is impairing the process of development and the general well-being of humanity and is causing general disquiet within our societies. They also recognized that democracy and a better quality of life can flourish only in a context of peace and security for all. Crime poses a threat to stability and to a safe environment. Crime prevention and criminal justice, with due regard to the observance of human rights, is thus a direct contribution to the maintenance of peace and security. Accordingly, they called on the international community to increase its support of technical cooperation and assistance activities and recommended intensifying international cooperation, including the creation of an effective United Nations programme and an adequate Secretariat support structure. They acknowledged the achievements of United Nations work in this field, but also the "long-recognized fact that inadequate resources have been devoted to the implementation of the programme, which has in the past been inhibited from achieving its potential" (General Assembly resolution 46/152, annex, para. 10).

4. An appropriate framework and mechanism for inter-State collaboration would permit a common front against crime problems which cannot be dealt with adequately by individual countries. The lack of joint action increases the

danger that the capacities of the perpetrators will outpace those of the services entrusted with maintaining the rule of law. A new, more vigorous United Nations crime prevention and criminal justice programme, with the direct involvement of Governments, was thus deemed the best insurance against the mounting threat of crime. Its aim, as stated at Versailles, would be to translate into concrete terms the political will of States by:

(a) Creating the essential mechanism for practical collaboration against common crime problems;

(b) Establishing a framework for inter-State cooperation and coordination to respond to the serious new forms and transnational aspects and dimensions of crime;

(c) Promoting information exchanges on new developments and best available practices, including the implementation and effectiveness of the United Nations norms and standards in crime prevention and criminal justice;

(d) Providing means of assistance, particularly to developing countries, for more effective crime prevention and humane justice;

(e) Establishing an adequate resource base for a truly effective United Nations crime prevention and criminal justice programme.

II. FIRST SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

5. The creation of an intergovernmental Commission on Crime Prevention and Criminal Justice, to replace the expert Committee on Crime Prevention and Control, was deemed a prime means of involving States closely in the work and giving fuller content to the vision of Versailles. The Commission, established by the Economic and Social Council (resolution 1992/1 of 6 February 1992 and decisions 1992/201 and 1992/202 of 7 February 1992), held its first session at Vienna, from 21 to 30 April 1992. 1/ To allow for fruitful discussions, extensive documentation was prepared in a short time on the various agenda items, including a report on the implementation of the conclusions and recommendations of the Ministerial Meeting held in pursuance of General Assembly resolution 46/152, containing some preliminary proposals (E/CN.15/1992/6). The Commission achieved consensus on the various issues and provided a springboard for further action. The presence, at the beginning of the session, of members of the former Committee on Crime Prevention and Control, as recommended by the General Assembly, permitted stocktaking and facilitated the transition, with expressions of appreciation for the Committee's achievements.

6. The Economic and Social Council, in its resolution 1992/22 of 30 July 1992, recognized the Commission on Crime Prevention and Criminal Justice as the principal policy-making body of the United Nations in the field of crime prevention and criminal justice and requested it to coordinate, as

appropriate, relevant activities in that field. The functions of the Commission, as stipulated in the Programme of Action annexed to General Assembly resolution 46/152, are to provide policy guidance to the United Nations; to develop, monitor and review the implementation of the Programme on the basis of a system of medium-term planning in accordance with the priority principles provided in that Programme of Action; to facilitate and help to coordinate the activities of the interregional and regional institutes; to mobilize the support of Member States; and to prepare for the United Nations congresses on the prevention of crime and the treatment of offenders and consider suggestions regarding possible subjects for the programme of work as submitted by the congresses.

7. The Commission, in its resolution 1/1 of 29 April 1992, decided that, in determining the priorities and supervision of the United Nations crime prevention and criminal justice programme, it should follow the directives contained in paragraphs 21 and 22 of the Statement of Principles and Programme of Action, as further elaborated in the annex to the Commission's resolution. 2/

8. In analysing the scope and means of its activity, the Commission stressed the alarming world crime situation and the gap between the pervasive needs and limited United Nations capacity to respond. It recognized that the tactics of offenders, who operate across frontiers with relative ease, have outstripped the capabilities of many criminal justice systems. It was, in its view, no longer possible for individual countries to cope alone with crime in its dangerous transnational forms: concerted action was needed to supplement national efforts. The Commission seconded the call of the Ministerial Meeting for practical assistance to interested States, and for collaborative arrangements with and between them as the key to a really effective crime prevention and criminal justice programme. The Commission also identified areas for priority action which were subsequently approved by the Economic and Social Council in its decision 1992/274, of 30 July 1992.

9. The Commission gave overall priority to operational activities within the priority areas, particularly training, action-oriented studies, information collection and dissemination and joint strategies by countries to deal with crime problems of mutual concern. It highlighted the need for strengthened international cooperation at all levels, including collaboration and coordination with relevant United Nations entities and other organizations concerned.

10. The Commission emphasized the role of the crime prevention and criminal justice programme in helping to strengthen the rule of law, promoting non-violent conflict resolution, enhancing law enforcement and community policing, assisting in constitutional and legislative reforms, and improving the quality of justice by drawing on United Nations criminal justice and human rights standards. It was also pointed out that some countries had a whole range of needs, which had to be tackled in an integrated and comprehensive manner. Such needs, as identified by the countries concerned, merited practical assistance, and emergency provisions for aid should thus be

included. There was also consensus that, in addition to priorities within the programme, high priority should be accorded to the programme as a whole, with a corresponding share of overall United Nations resources.

11. The Commission agreed that the priorities adopted should govern programme implementation in the next few years, and that the medium-term plan for the period 1992-1997 should be adjusted accordingly. The Commission further recommended that the topics selected for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be convened in 1995, should reflect the priorities adopted (see sect. IV.E below).

12. At its first session, the Commission also considered ways of strengthening existing international cooperation against organized crime, taking into account recent programme initiatives in this sphere, and made a number of recommendations. 1/

III. ACTION TAKEN BY THE ECONOMIC AND SOCIAL COUNCIL

13. The Economic and Social Council considered the report of the Commission on Crime Prevention and Criminal Justice at its substantive session of 1992, including the draft resolutions submitted to it for action and the related statement of financial implications.

14. Speakers welcomed the Versailles Statement of Principles and Programme of Action, approved by the General Assembly in its resolution 46/152, which called for the restructuring of the United Nations crime prevention and criminal justice programme, and for the Secretary-General to take the measures necessary to provide the human and financial resources necessary to implement it.

15. If it was to be effective, the new programme had to have at its disposal means commensurate with the task, so that under the Commission's guidance it could strengthen operational activities and technical cooperation at the national, regional and international levels. It had to render urgently needed services and assure concerted action against crime. The Ninth Congress should also be action-oriented. To help integrate efforts, the Commission on Crime Prevention and Criminal Justice would need to cooperate closely with other functional commissions, agencies and entities concerned, including intergovernmental and non-governmental organizations active in this field.

16. The Council adopted the three draft resolutions submitted to it by the Commission as resolutions 1992/22, 1992/23 and 1992/24, all of 30 July 1992, and decisions 1992/274 and 1992/275, also of 30 July, on organizational matters and the agenda for the second session of the Commission (13-23 April 1993).

IV. POLICY DEVELOPMENT AND PROGRAMME IMPLEMENTATION

A. Operational activities

17. In the Programme of Action approved in its resolution 46/152, the General Assembly, in calling for practical assistance in the crime field to Member States, mentioned advisory services, particularly in respect of the planning, implementation and evaluation of crime prevention and criminal justice programmes, training and the use of modern communication and information techniques. It also noted the ways in which technical assistance could be implemented, including fellowships, study tours, consultancies, secondments, courses, seminars, training and upgrading of the skills of personnel, and experimental innovation through demonstration and pilot projects. It stressed that the United Nations should, in the framework of the programme, directly carry out the above-mentioned forms of cooperation or act as a coordinating or facilitating agent, and that mechanisms should be created to provide flexible and appropriate assistance on request.

18. In the Statement of Principles, the international community was called upon to increase its support of technical cooperation and assistance activities for the benefit of all countries and for the purpose of expanding and strengthening the infrastructure needed for effective crime prevention and viable, fair and humane criminal justice systems. The General Assembly, in resolution 46/152, encouraged all developed countries to review their aid programmes in order to ensure a full and appropriate contribution in the field of criminal justice within the overall context of development priorities. However, intensive efforts will be needed to apprise Governments of the range of possibilities for assistance, by developing a repertory of model projects that can be tailored to the special needs of countries.

19. The potential of assistance to be rendered to interested States or groups of States and ways of promoting concerted action is illustrated in the case of the Economic Community of West African States (ECOWAS), which also underlines the scope of the United Nations crime prevention and criminal justice instruments in fostering subregional and broader international cooperation.

20. The Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the United Nations Secretariat assisted ECOWAS, at its request, in formulating a draft convention, on the basis of the Model Treaty on Mutual Assistance in Criminal Matters (General Assembly resolution 45/117 of 14 December 1990, annex) and the Model Treaty on the Transfer of Proceedings in Criminal Matters (Assembly resolution 45/118 of 14 December 1990, annex). Two working sessions were organized for this purpose, at Vienna, with the representative of ECOWAS. The Community then convened two legal expert meetings to consider the draft text. The Convention was approved by the ECOWAS Ministers of Justice, who met at Banjul from 14 to 16 May 1992. A request for further assistance in drafting an extradition convention and a request made by the Great Lakes countries of Africa have not yet been met, because of inadequate resources.

21. In some other cases, owing to material constraints, self-financed outside experts have been co-opted (e.g., for a training course for personnel concerned with the prevention and treatment of juvenile delinquency, in Swaziland, in late 1991). In other cases, assistance could be rendered only with outside or collateral financing.

22. The services rendered during the past year were principally those of the Interregional Adviser in Crime Prevention and Criminal Justice. The need for advisory services continued to grow steadily, as evidenced in the increased number of requests received and of advisory missions undertaken. In the period under consideration, the Interregional Adviser provided assistance to the Governments of Albania, Argentina, Bolivia, Chile, Ecuador, Mauritius, Panama, Paraguay, Peru and Tunisia. Advisory missions were undertaken on various matters, including legal reform and the establishment of national councils for crime prevention and criminal justice in the context of socio-economic development, prevention of urban criminality and alternatives to imprisonment. Improvement of the capacity of law enforcement agencies and the judiciary to combat various forms of organized crime was also covered. Two missions related to the reform of criminal procedure, public prosecution and prison legislation, designed to make criminal justice systems more accountable and responsive in the fight against organized criminality.

23. Some missions were undertaken to advise on measures in support of democratic processes, against the backdrop of serious socio-economic problems, focusing on ways and means of non-violent conflict resolution, such as conciliation, mediation and arbitration. In some countries of Eastern Europe facing emergency situations, for example, Albania, joint missions were undertaken with potential donor countries, for example, France and Italy, and the United Nations International Drug Control Programme in order to assess areas for urgent assistance and cooperation to restore public order, due process and the protection of basic human rights. The advice rendered included recommendations on the main parameters of the massive and prompt aid required, including training, legislative reform, help in the establishment of an adequate infrastructure and provision of requisite equipment for police, prosecution, judiciary and correctional services.

24. Attention in a number of countries focused on the problem of street children, juvenile delinquency and its prevention, the instrumental use of children by organized crime and measures against other exploitative practices affecting the young. Criminal justice statistics and legal information were part of many requests and specific proposals were formulated to respond to these and other needs.

25. Training activities were undertaken directly by the Interregional Adviser in many countries in relation to all components of the crime prevention and criminal justice sector, including the implementation of United Nations standards and norms and the promotion of human rights. In one Latin American country, more than 100 officials from the correctional administration, the judiciary, prosecution and police attended a one-week workshop held by the

Interregional Adviser. As a result of this exercise, a comprehensive diagnosis of the needs of the correctional system was made and measures proposed for structural reform.

26. In an African country, workshops and discussions were held by the Interregional Adviser with high officials from all sectors of crime prevention and criminal justice in order to provide a comprehensive overview of the experiences faced by the country in the wake of rapid industrialization and modernization, for the purpose of future planning.

27. Various project proposals were formulated in response to the needs of developing countries and submitted for possible funding to donor countries and multilateral agencies. Missions conducted as part of joint cooperation projects, funded by some donor countries in the fight against drug abuse and illicit drug trafficking, were also undertaken. However, it is clear that the number and scope of the requests for advisory services received exceeded the capacity of only one Interregional Adviser whose time is fully committed. In accordance with the recommendations made by the Ministerial Meeting, the Commission and the Economic and Social Council, advisory services must be expanded through the provision of regional and technical advisers and effective backstopping, which the Crime Prevention and Criminal Justice Branch cannot provide under its present constraints.

28. The Crime Prevention and Criminal Justice Branch undertook a number of training activities in collaboration with other entities concerned. A police training course was organized in Malta in December 1991, in cooperation with the Centre for Human Rights of the United Nations Secretariat and the United Nations Interregional Crime and Justice Research Institute. The course placed major emphasis on the observance of United Nations standards and norms on human rights in the administration of justice, including the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169 of 17 December 1979, annex) and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Assembly resolution 40/34 of 29 November 1985, annex).

29. Officers of the Crime Prevention and Criminal Justice Branch also served as lecturers and resource persons for training courses sponsored by the Centre for Human Rights, such as the training course for the implementation of international instruments on human rights and the administration of justice for officials from English-speaking African countries, held at San Remo (9-12 March 1992) with the support of the Italian Government. A number of other joint training courses with the Centre for Human Rights are being prepared, including a series of courses for the police (for example, on acceptable investigative techniques, lawyers, judges and prosecutors in Romania. Collaboration is also being extended to human rights fellowship holders, some of whom received part of their training at Vienna being briefed on relevant aspects of crime prevention and criminal justice.

30. Assistance was also rendered in other collaborative initiatives, such as the International Comparative Seminar on the Problem of Dangerous and

Long-term Prisoners, organized by the Czechoslovak Ministry of Justice's Institute of State and Law, at Prague, from 8 to 11 April 1992. A training course for the police, in cooperation with the crime prevention and criminal justice programme and the human rights advisory services programme, is also projected. As part of the effort to support criminal justice system improvements in Central and Eastern Europe, assistance was rendered to the International Conference and Exhibition on Criminal Investigations and Justice, organized by the Hungarian Association of Public Prosecutors, at Budapest, from 10 to 13 June 1992. Training initiatives in developing countries included participation as faculty in a seminar for prison officers from Caribbean countries, organized by Caribbean Rights at Kingston from 25 to 28 June 1992, and in a Conference on the Protection of Human Rights in Criminal Justice Proceedings, for African jurists, held at Siracusa, Italy on 19 and 20 June 1992. The Conference, organized by the International Institute of Higher Studies in Criminal Sciences in collaboration with the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch, was attended by over 50 participants from 19 African States. Contributions were also provided to a number of other meetings, including a seminar on the employment of ex-prisoners (London, March 1992), the Fifth International Anti-Corruption Conference (Amsterdam, March 1992), and the First Meeting of Latin American Mayors on Urban Security (Cordoba, Argentina, 31 August-2 September 1992).

31. Pursuant to General Assembly resolution 45/115, in which a number of recommendations were made for practical follow-up, and in line with the priority attached to organized crime and juvenile delinquency, a major joint initiative was undertaken with the Government of Italy, namely, a meeting on the instrumental use of children (Rome, 4-6 May 1992).

32. A series of training materials have been produced during this period. A guide to computerization of information systems in criminal justice 3/ was issued as a joint venture with the Statistical Office of the United Nations Secretariat, and interested Governments (Canada, the Netherlands and the United Kingdom of Great Britain and Northern Ireland). An additional two-volume publication on computerization of criminal justice systems, containing the papers presented at the demonstration workshop held during the Eighth Congress, was published by the Helsinki Institute for Crime Prevention and Control (HEUNI), affiliated with the United Nations. 4/ A guide for practitioners dealing with domestic violence was prepared with the support of HEUNI and the Government of Canada, with input from a meeting of experts, convened at the International Centre for Criminal Law Reform and Criminal Justice Policy, at Vancouver (21-25 March 1992). Manuals on the prevention and prosecution of computer crime are also being developed with support from the Government of Canada, and on prison education, in cooperation with the United Nations Educational, Scientific and Cultural Organization and the International Council for Adult Education. A comprehensive manual on United Nations juvenile justice instruments, with commentaries, is also being prepared. A handbook on pre-trial detention is being drafted in cooperation with the University of Minnesota and the Minnesota Lawyers' Committee, and a study has been conducted on the assessment programmes for the release of

prisoners serving life sentences, with the assistance of the Friends World Committee for Consultation. Work on a manual on dealing with prison overcrowding has been undertaken. A manual on education for the prevention of victimization is also to be issued. Needless to say, some of the work mentioned above had commenced prior to the creation of the Commission. Further work, if required, is being performed in accordance with the priority themes identified by the Economic and Social Council on the recommendation of the Commission.

33. The international relevance of crime prevention and criminal justice is becoming increasingly evident with the emergence of fresh sources of conflict and tension, in various parts of the world, requiring both crisis management and preventive diplomacy. The growing role of the United Nations in this sphere resulted in requests for the crime prevention and criminal justice programme to provide assistance for a number of peace-keeping operations. This type of involvement and contribution to major United Nations missions is likely to increase, and is consistent with the expressed wish of Member States that the programme should have a practical orientation. The crime prevention and criminal justice programme contributed to such operations through the participation of its officers in several missions and related activities.

34. The Branch, in cooperation with the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, provided technical support for a mission to El Salvador, the purpose of which was to outline the steps needed to create, train, manage and deploy a civilian police force in that country. A draft law for such a new force was included among the recommendations of the mission. Those recommendations were taken into account in the peace agreement, and the United Nations Development Programme (UNDP) is currently funding a $6 million project to put them into effect.

35. The Branch participated in the Administrative Survey Mission to Cambodia, in December 1991, and assisted the Special Representative of the Secretary-General in matters related to police, criminal justice and public administration. Proposals submitted on the preparation or adaptation of codes of conduct and guidelines that would facilitate the implementation of the mandate of the United Nations Transitional Authority in Cambodia, as well as for the training of local officials and international staff, were accepted and relevant training activities have been started. High-level involvement of the crime prevention and criminal justice programme is continuing to assist in establishing the rule of law.

36. The United Nations institutes for the prevention of crime and the treatment of offenders carried out their training, research and clearing-house functions, and rendered direct aid to Governments. Some institutes, along with the Branch, were involved in other United Nations initiatives: for example, the Director of HEUNI participated in a United Nations International Drug Control Programme/World Health Organization pre-investment mission to the Baltic States, and HEUNI also provided input for technical assistance in Albania. More practical action could be undertaken if respective and overall programme resources allowed.

37. In its resolution 1992/22, the Economic and Social Council reaffirmed the request of the General Assembly to the Secretary-General to commit the human and financial resources necessary to strengthen the crime prevention and criminal justice programme as a whole. Emphasis was placed on designing, implementing and monitoring technical cooperation projects at the national, regional and subregional levels, so as to enable the programme to help States upon request, including requests channelled through United Nations peace-keeping operations. Assistance should include identifying crime prevention and criminal justice needs, particularly in relation to law reform, improvement of legislation and procedures, elaboration of criminal codes, improved planning and formulation of national policies, acceleration of human resources development, and assistance with the practical implementation of United Nations standards, norms and guidelines in this field.

38. Through technical cooperation activities, the programme is expected to contribute to the prevention and reinforcement of democracy and justice based on the rule of law, in accordance with the United Nations norms and standards concerning crime prevention, criminal justice, law enforcement and the protection of victims. It should serve as a facilitating agent and operational tool with which to assist countries in preventing crime, promoting security, sustaining national development and enhancing justice and respect for human rights.

39. The Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, in their recommendations, stressed the importance of training, and of establishing a world-wide training network for developing countries with specific requirements, including the capacity to match the needs for training with the opportunities available to meet them. This would involve the development of training schemes, including national, regional and interregional training courses, workshops and seminars, geared to the requirements of developing countries, and either cross-sectoral in nature or dealing with certain priority issues. Adequate fellowship programmes, personnel exchanges, and the preparation of model curricula and manuals were seen as important elements of the training function.

40. The Economic and Social Council, in its resolution 1992/22, also urged the Department of Economic and Social Development of the United Nations Secretariat, UNDP and other United Nations funding agencies to give full support to technical assistance projects in crime prevention and criminal justice and to encourage technical cooperation in this field among developed and developing countries. The Council reaffirmed the crucial role of the Commission on Crime Prevention and Criminal Justice in mobilizing the support of Member States for the programme, as envisaged in paragraph 26 (d) of the annex to General Assembly resolution 46/152, and recommended that the General Assembly should consider arrangements for funding programme support, taking into account the practices elsewhere in the United Nations system. It also recommended a series of other measures. These include broadening the base of the financial support of the programme by approaching intergovernmental and non-governmental organizations, private foundations, academic institutions and the private sector, establishing collaborative relationships with UNDP, the

World Bank, other United Nations funding agencies and regional development banks, and exploring innovative partnerships to finance joint technical assistance projects. It also envisaged organizing special events that would bring together donor countries, recipient countries and funding agencies, to strengthen the financial base of the United Nations Crime Prevention and Criminal Justice Fund, by encouraging voluntary contributions.

41. The Programme of Action annexed to General Assembly resolution 46/152 placed primary emphasis on technical cooperation and assistance to Member States, on request, especially developing countries and those in transition that are facing escalating crime without an adequate capability to combat it. To strengthen such assistance, a subprogramme on operational activities, planning and overall coordination, recommended by the Commission on Crime Prevention and Criminal Justice, was recommended for approval by the General Assembly by the Committee for Programme and Coordination in the revisions to the medium-term plan for the period 1992-1997 (see A/47/6 (Prog. 29)), as were the revised estimates under the Programme Budget for the biennium 1992-1993, endorsed by the Commission and the Economic and Social Council. The objectives of the new subprogramme will be to provide practical assistance to Member States in the field of crime prevention and criminal justice, with emphasis on advisory services, training, exchange of information and innovative pilot and demonstration projects, as well as to mobilize support for the operational activities of the programme, including fund-raising, and to maintain reliable and effective channels of communication with Governments. It also enables the programme to provide substantive input in matters related to crime prevention and criminal justice to United Nations peace-keeping and democratization operations, as well as training required in the context of those operations, to integrate the activities and contributions of the interregional and regional institutes, to coordinate the external relations of the programme, and to ensure effective product delivery, evaluate programme performance and enhance its impact.

B. Translating United Nations instruments and guidelines into reality

42. The United Nations standards and norms provide a framework for improved national practice. They are also prime training material, and their translation into many languages attests to the importance attached to them. 5/ The analysis of the difficulties encountered in the application of United Nations guidelines, and other recommendations made by expert meetings, should help countries in implementing them, as should the development of implementation mechanisms for newly adopted standards. 6/ While the Commission on Crime Prevention and Criminal Justice placed emphasis on the implementation of existing standards, it also noted that there may be scope for further work in areas of emerging need. Technical assistance was perceived as the key to helping countries to reduce the gap between principle and practice and to upgrade their criminal justice systems and the personnel operating them. In relation to new forms of crime, especially organized crime, and their complex organizational form, technological sophistication and

transnational reach, it was agreed by the General Assembly, the Commission and the Economic and Social Council that concerted efforts must be made at all levels, including subregional, regional and interregional initiatives, to fortify international cooperation against the increasing scourge of crime. The model treaties and other United Nations instruments provide a viable basis for collaboration among States. The Statement of Principles stressed the potential of mutual assistance and cooperation, regardless of differences in systems, when offences are committed across frontiers or when frontiers are used to escape detection and prosecution, as effective countermeasures that can prevent conflicts of jurisdiction (General Assembly resolution 46/152, annex, para. 6). Recent initiatives include the development of an instrument on the transfer of the enforcement of penal sanctions, considered at an expert meeting at Siracusa, Italy, from 3 to 8 December 1991. 7/

43. The need for concerted practical action by Member States against transnational crime problems has been emphasized in almost all resolutions and recommendations adopted. For example, in General Assembly resolution 46/152 (annex, para. 16 (d)) it is specified that one of the main goals of the new programme is the integration and consolidation of the efforts of Member States in preventing and combating transnational crime. The Commission on Crime Prevention and Criminal Justice, at its first session, stated that, with respect to the establishment of effective mechanisms for practical collaboration at the regional and interregional levels, improved international cooperation and assistance had not yet been achieved despite the growing realization of the transnational dimensions of certain crimes. A number of proposals had been initiated which provided a significant potential for strengthened world-wide cooperation against crime and therefore merited follow-up action (E/1992/30, para. 30).

44. Any effort to render the programme operational must give practical effect to these recommendations and to the many others along the same lines, including those on pooling available knowledge and developing suitable countermeasures (General Assembly resolution 46/152, annex, para. 8). This would require appropriate planning and policy coordination as well as practical assistance at the field level utilizing professionals with experience in the various facets of criminal justice, cognizant of the national and international needs, who would help to forge collaborative links and common strategies and assist in their implementation, including the training of trainers and other key personnel.

C. Global clearing-house functions: research, information collection, analysis and dissemination

45. The General Assembly in its resolution 46/152, stressed the need to enhance the collection, exchange and dissemination of information among States on crime prevention and criminal justice, particularly with regard to innovative measures and the results achieved. It also referred to the periodic surveys of the dynamics, structure and extent of crime, and of the operation of crime prevention and criminal justice strategies. Acknowledging

the importance of those surveys of trends, patterns and policies concerning crime as an empirical guide for decision makers and planners, the Economic and Social Council in its resolution 1992/22, called for their continuation and improvement, and the inclusion of transnational forms of crime. In order to keep them timely, the Council requested that the surveys be conducted biennially, in cooperation with the United Nations institutes, and that they be regularly published and disseminated, starting with the biennium 1994-1995.

46. An expert group meeting on the envisaged world report on crime and justice was convened by the United Nations Interregional Crime and Justice Research Institute, at Rome, on 25 and 26 June 1992. It considered substantive and logistical aspects of the project. The report will draw on replies from Governments to an improved United Nations questionnaire, the results of victimization studies, and other empirical data and research findings, including the cost of crime and emerging trends, and is to be ready for the Ninth Congress. National experience in the preparation of reports on the state of crime and justice is also being sought to complement the results of the world survey. Country profiles are now available in an electronic format in the United Nations Bibliographical Information System (UNBIS) of the Dag Hammarskjöld Library. In order to provide a picture of crime worldwide, the profiles will be periodically updated with the assistance of the United Nations institutes. This can facilitate needs assessment as a basis for the determination of areas for practical aid. Identification of emerging trends and issues through forecasts or projections in the short and medium term would facilitate proactive planning. It would also respond to the stress placed at Versailles on anticipating events and assisting Member States to mount suitable preventive and control strategies (General Assembly resolution 46/152, annex, para. 5). This undertaking will require considerable reinforcement of the available expertise, particularly an enhanced computer analysis and statistical capacity, to permit comparative technical analyses, as well as the requisite support staff.

47. The Economic and Social Council, in its resolution 1992/22, accorded high priority to the crime prevention and criminal justice programme, and requested an appropriate share of the overall resources in order (1) to provide States with practical assistance in data collection, information and experience sharing and training, in order to achieve the goals of preventing crime, promoting security, sustaining national development, enhancing justice and respect for human rights; (2) to promote policy-oriented research and studies on topics of interest to the Commission and to groups of Member States; (3) to facilitate the collection and dissemination of information, in particular research results and academic and scientific literature, to both professionals and the general public in order to permit the development and evaluation of measures and strategies for crime prevention and criminal justice and the identification of viable policy options for States of different regions.

48. The Economic and Social Council in its resolution 1992/22, also called for the expansion of the United Nations criminal justice information network by inviting Governments, interregional and regional organizations, other relevant entities and the private sector to join and support the network

financially and logistically as a viable instrument for the dissemination and exchange of information and the transfer of knowledge for improved criminal justice management and more effective crime prevention.

49. A number of databases are being established, for example, on innovative crime prevention projects, judicial decisions in transnational crimes and measures on behalf of victims. A prototype of a bibliographic database system is being developed. The introduction of computerized translations for the information network is also being explored to foster the transfer of knowledge, and a project formulated for the development of a multilingual thesaurus, for possible funding by interested Governments and other entities.

50. Intensified public information activities are an essential adjunct of technical information dissemination to the professional community. Such activities have been scheduled especially in connection with the preparations for the Ninth Congress, for which resources would be requested in the revised estimates to be submitted to the General Assembly at its forty-seventh session, and in the context of the preparation of the proposed programme budget for the biennium 1994-1995. The benefits to be derived from wider public knowledge and support of United Nations crime-prevention work fully justify such an investment, which should have a considerable multiplier effect.

D. Collaboration and coordination

51. In its resolution 1992/22, the Economic and Social Council recognized the Commission on Crime Prevention and Criminal Justice as the principal policy-making body of the United Nations in the field of crime prevention and criminal justice and requested it to coordinate, as appropriate, relevant activities in this field, including those of other United Nations bodies and the specialized agencies, so as to increase the efficiency and effectiveness of such activities in areas of mutual concern, and avoid possible duplication. It further requested the Secretary-General to encourage effective cooperation and coordination of the relevant activities and to provide to the Commission all the assistance necessary to achieve this goal.

52. The Commission on Human Rights and the Commission on Narcotic Drugs have adopted resolutions inviting the Commission's cooperation 8/ and there is long-standing close cooperation between the Centre for Social Development and Humanitarian Affairs, especially the Crime Prevention and Criminal Justice Branch, and the secretariats of those Commissions. In line with the request of the Commission on Crime Prevention and Criminal Justice for concrete proposals for closer collaboration with the Centre for Human Rights, preliminary proposals have been submitted to the preparatory inter-agency meeting for the World Conference on Human Rights to be held in 1993. Other collaborative activities with the Centre on Human Rights, and with the United Nations International Drug Control Programme have been noted under operational activities.

53. Close contacts are also being maintained with other bodies and entities of the United Nations. A report on families and crime prevention has been prepared for publication in connection with the International Year of the Family (1994).

54. To facilitate the coordinating role of the Commission, the Economic and Social Council, in its resolution 1992/22, requested the Secretary-General to conduct a survey of activities carried out within the United Nations system, which is being prepared for the second session of the Commission.

55. The United Nations Interregional Crime and Justice Research Institute at Rome, the United Nations institutes for the prevention of crime and the treatment of offenders, associated organizations and national correspondents are part of the world-wide crime prevention and criminal justice network and, together with the United Nations Secretariat, are an important resource for strengthened United Nations action in the field. In paragraph 35 of the Programme of Action annexed to General Assembly resolution 46/152, Member States and the United Nations, were urged to support the activities of the institutes, with particular attention to the needs of the institutes located in developing countries; in view of their important role, it was recommended that the contributions of the institutes to policy development and implementation, and their resource requirements, should be integrated into the overall programme, especially those of the African Institute.

56. The institutes were requested to keep one another and the Commission on Crime Prevention and Criminal Justice informed on a regular basis about their programmes of work. The Commission may also request the institutes to implement select elements of the programme, subject to the availability of funds, and to participate in inter-institute activities in areas suggested by the Commission. The latter is to seek to mobilize extrabudgetary support for the activities of the institutes (General Assembly resolution 46/152, annex, paras. 36-38).

57. In addition to the institutes affiliated with the United Nations, there are certain other institutions closely associated with the United Nations crime prevention and criminal justice programme, namely, the Arab Security Studies and Training Centre, at Riyadh, the Australian Institute of Criminology, at Canberra, and the International Centre for Criminal Law Reform and Criminal Justice Policy, at Vancouver, which have sponsored collaborative activities.

58. The activity of the United Nations institutes for the prevention of crime and the treament of offenders and of the programme network in the past has been handicapped by the lack of adequate resources, especially for the African and Latin American institutes, and by the difficulty of coordinating their programmes in line with the mandates of United Nations policy-making bodies; the Latin American institute, for example, was unable to be represented at the Commission's first session because of lack of funds. The situation of the African institute is outlined in a separate note by the Secretary-General (A/47/379), in accordance with General Assembly resolution 46/153. It is

clear that if the institutes and other parts of the network are to form a cohesive, well-functioning whole, a basic investment for this purpose must be made, and the Secretariat support structure strengthened.

59. The joint programme coordination meetings, generously sponsored by the Arab Secutity Studies and Training Centre, have provided a unique opportunity for consultations among the institutes and between them and the Secretariat. Increasingly, also, they have provided a possibility of joint planning and consolidation of efforts. The development of a joint strategy was envisaged in a comprehensive collaborative report, synthesized on the basis of the contributions of the various institutes to the 1992 coordination meeting, but it needs to be fleshed out in line with the recommendations of the Commission and through further consultations.

60. Anniversary observances for HEUNI and the Latin American institute have provided occasions for bilateral discussions with the Chief of the Crime Prevention and Criminal Justice Branch, aimed at consonant policies and collaborative projects. The meetings of the International Scientific and Professional Advisory Council are occasions not only for consultations among the institutes and with the branch but also for more broad-based initiatives involving non-governmental organizations and the academic community. The institutes are represented on the Board of the Council, on a rotating basis, and some have been able to attend the sessions of the Council and its technical meetings.

61. The Economic and Social Council in its resolution 1992/22, called for the involvement of the affiliated and associated institutes in programme implementation and for the development of criteria and procedures for the creation and affiliation of new United Nations institutes or centres that would join the network.

62. In the Programme of Action (General Assembly resolution 46/152, annex, para. 43), it was stressed that intergovernmental and non-governmental organizations and the scientific community were a valuable source of professional expertise, advocacy and assistance, and that their contributions should be fully utilized in programme development and implementation. The Economic and Social Council, in its resolution 1992/22, requested the Secretary-General to conduct a survey of activities on priority themes, carried out by such organizations. The promotion of collaboration with and among research and training institutes around the world was also urged.

63. The International Scientific and Professional Advisory Council, established in September 1991 at the Centro Nazionale di Prevenzione e Difesa Sociale at Milan, with support from the Government of Italy, has launched an ambitious programme of activities, including a series of international workshops on priority subjects, directed at facilitating training, research, information and collaborative action. To date, three such workshops have been held, with assistance also from the Fondazione Internazionale su Diritto, Societa e Economia, at Courmayeur, Italy, on the response to transnational

criminality; money laundering; and the protection of artistic property and cultural patrimony. A major conference on money laundering is being planned as a result.

64. The following workshops and meetings have also been planned: a meeting on criminal law reform and criminal justice policy, after the second session of the Advisory Council, which is to be held at Courmayeur from 18 to 20 September 1992; a workshop on victim protection, to be held at Onati, Spain, in the fall of 1992; and a meeting early in 1993 of the committee on information of the Advisory Council, which will, inter alia, explore ways of strengthening the United Nations criminal justice information network and the World Criminal Justice Library.

65. The secretariat of the Advisory Council has circulated a brochure about the Council's activities and sent out a resource questionnaire, the replies to which will permit the establishment of a comprehensive database on the activities of the various organizations and their programmes, especially in priority areas. This initiative responds to the request in the Programme of Action for support by Member States for the further development and maintenance of the United Nations information network, with the centralization of inputs from non-governmental organizations and scientific institutions in the field of crime prevention and criminal justice (General Assembly resolution 46/152, annex, para. 41). It is also in line with the recommendations contained in Economic and Social Council resolution 1992/22.

66. The national correspondents with the Secretariat now number over 350 in some 135 countries. As stated in the Programme of Action, they are to facilitate governmental contacts with the Secretariat and other elements of the crime prevention and criminal justice programme. The national correspondents are a key in the promotion of closer collaboration and continuing dialogue with Governments on matters of special concern. They are a potentially invaluable resource but their contributions have been uneven. The Secretariat has sought to mobilize the interest and collaboration of correspondents by keeping them regularly apprised of developments, but this may not be enough. Earnest consideration should be given to convening, as repeatedly proposed, global or regional meetings of national correspondents, and their inclusion by Governments in their delegations to the Congress or to preparatory meetings.

67. National correspondents, members of the International Scientific and Professional Advisory Council and other specialists are being considered for inclusion in the roster of experts with practical experience being compiled in accordance with the Commission's request.

68. The new subprogramme on operational activities, planning and coordination, if afforded the resources necessary, should ensure the further integration of efforts and broaden the base of programme support.

E. Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

69. The Ministerial Meeting reaffirmed the importance of the quinquennial United Nations congresses on the prevention of crime and the treatment of offenders. In the Programme of Action it is stated that, as a consultative body of the programme, the congress should provide a forum for the exchange of views and experiences; the identification of emerging trends and issues in the field; the provision of advice and comments to the Commission on Crime Prevention and Criminal Justice in matters submitted to it by the Commission; and the submission of suggestions regarding possible subjects for the programme of work. The Commission was requested to select precisely defined topics for the congresses, in order to ensure a focused and productive discussion. Action-oriented research workshops and ancillary meetings were to be encouraged as an integral element of the new congress formula. The preparatory regional meetings were to be maintained, except when a region did not consider it necessary. The General Assembly endorsed the recommendations on the role and functions of the congresses (resolution 46/152, para. 11 (c)).

70. The Commission on Crime Prevention and Criminal Justice, at its first session, considered the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on the basis of a note by the Secretary-General (E/CN.15/1992/5). Four topics were identified for inclusion in the provisional agenda, to be finalized by the Commission at its second session. These are: (1) international cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme; (2) action against national and transnational economic, organized and environmental crime: national experiences and international cooperation; (3) criminal justice systems: management and improvement of police, prosecution, courts and corrections; and (4) crime prevention strategies, in particular as related to crimes in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives.

71. In view of the need for the early preparation of the relevant documentation, which should be circulated well in advance of the regional preparatory meetings, a discussion guide is being prepared, for submission to the Commission at its second session, which should facilitate the final formulation of the topics for the Congress. Draft rules of procedure for the Ninth Congress are also being elaborated, taking into account its new format and suggested improvements, such as the need for all draft resolutions to be prepared and be available in advance.

72. The Economic and Social Council, in its resolution 1992/24, invited all entities and organizations concerned to become actively involved in the preparations for the Ninth Congress. The Secretary-General was requested to facilitate the organization of ancillary meetings of non-governmental organizations in consultative status with the Council, and meetings of professional and geographical interest groups. The provision of the necessary resources for the preparatory activities, including the regional meetings and

public information activities, is also required to permit the preparations for the Congress to be undertaken in a timely and effective manner. The Ninth Congress will be held in the year of the fiftieth anniversary of the United Nations. United Nations crime-prevention activities are almost as old. This provides an opportunity to highlight them in an exhibit or special media events.

V. BUILDING THE INSTITUTIONAL CAPACITY OF THE NEW PROGRAMME

73. At the Versailles Ministerial Meeting, the need was stressed for an adequate institutional capacity that would permit the United Nations crime prevention and criminal justice programme to become truly effective. That meant a suitable Secretariat structure, combined with sufficient resources to respond to the additional needs of Member States in this field. From the range of multi-disciplinary activities envisaged, it is clear that resources in both the quantitative and qualitative senses are necessary.

74. The General Assembly has designated the secretariat of the programme as the permanent body responsible for facilitating the implementation of the programme, with priorities as established by the Commission, and for assisting the latter in conducting evaluations of the progress made and analyses of the difficulties encountered. For this purpose, it entrusted the secretariat with the following functions: (a) to mobilize existing resources, including the institutes, intergovernmental and non-governmental organizations and other competent authorities for the implementation of the programme; (b) to coordinate research, training and the collection of data on crime and justice, and provide technical assistance and practical information for Member States, particularly through the global crime and criminal justice information network; (c) to assist the Commission in the organization of its work and in the preparations, in accordance with its directions, of the quinquennial United Nations congresses and any other events relating to the programme; (d) to ensure that the potential donors of criminal justice assistance are put in touch with countries requiring help; and (e) to make the case for assistance in criminal justice to the appropriate funding agencies.

75. The Programme of Action, further, included a range of activities to be undertaken in the context of the programme, such as research and studies at the national, regional and global levels on specific crime prevention issues and criminal justice measures, operational activities, clearing-house services, "honest broker", synthesizing and coordination functions and fund-raising operations, as indicated above. As noted in the statement of the Secretary-General on the financial implications of the draft resolutions submitted by the Commission on Crime Prevention and Criminal Justice to the Economic and Social Council for adoption (E/1992/30/Add.1) the activities recommended in the Statement of Principles and Programme of Action represent a significant expansion of international cooperation, including its technical cooperation components, in the activities included under programme 29 of the medium-term plan for the period 1992-1997. It was also foreseen that the revised estimates to be submitted to the General Assembly at its forty-seventh

session would present a comprehensive picture of the overall requirements arising from all the intergovernmental recommendations.

76. The General Assembly, in its resolution 46/152 (annex, paras. 32-34) recommended to the Secretary-General that, in recognition of the high priority that should be accorded to the programme, an upgrading of the Crime Prevention and Criminal Justice Branch to a division, directed by a senior official, should be effected as soon as possible. The Assembly requested the Secretary-General, in view of the high priority attached to the programme, to provide appropriate resources for its effective functioning; invited Member States to give their political and financial support and to take measures that would ensure the implementation of the Statement of Principles and Programme of Action as they relate to the strengthening of the programme in terms of its structure, content and priorities, and urged all entities of the United Nations system to assist the programme in fulfilling its tasks (resolution 46/152, paras. 6-8).

77. In its consideration of this matter, the Commission on Crime Prevention and Criminal Justice underlined the inadequate United Nations institutional capacity in the area of crime prevention and criminal justice, deriving largely from the lack of human and financial resources, which constituted in the view of its members a serious hindrance to programme performance. It was also noted that the resources available for the programme constituted only 0.15 per cent of the overall United Nations budget, which was clearly inadequate to meet the growing requirements of Governments and the international community as a whole. There was also consensus that the Secretariat's programme and structure had to be strengthened in order to support and facilitate the work of the new Commission. The restructuring, redefinition and reinforcement of the Crime Prevention and Criminal Justice Branch was thus seen as indispensable to more effective international cooperation in that field. It was emphasized that the Secretariat should be afforded an appropriate status, recognition and visibility within the United Nations system, including as a matter of urgency its upgrading to the level of a division, as recommended by the General Assembly in resolution 46/152.

78. In its resolution 1992/22, the Economic and Social Council expressed its support for the strengthening of the programme. A report on the implementation of that resolution is to be submitted to the Council at its substantive session of 1993.

79. The urgency of building an adequate institutional capacity of the programme is illustrated by the recommendations contained in Economic and Social Council resolution 1992/22. In paragraphs 2 and 3 of section VI of that resolution, the Council recommended that in the course of the programme budget planning process, allocation should be made for special operational activities and advisory services in situations of urgent need. The programme should also be in a position to offer timely and practical assistance to Governments, upon request, in situations that do not permit a problem to be adopted as a regular priority by the Commission. The programme thus must discharge its normal functions, as stipulated by the Commission, service its

annual sessions, provide it with policy options, prepare for the congresses, maintain a constant flow of information, fulfil its research and training functions, monitor and evaluate the results, including the difficulties encountered, promote collaborative action, and render practical assistance to States, both as a regular endeavour and as a special undertaking.

VI. CONCLUDING REMARKS

80. The Secretary-General, in his report entitled "An agenda for peace" (A/47/277-S/24111) noted the connection between democratic practices, such as the rule of law, as an element of good governance to be promoted at all levels, and the achievement of true peace and security in any new and stable political order. He also stressed the vital role of the police, human rights monitors, humanitarian aid providers and conflict-resolution specialists. These are all areas in which the crime prevention and criminal justice programme has a special contribution to make in a world seeking to surmount serious problems of violence and crime amidst the growing consensus that social peace is as important as strategic or political peace.

Notes

1/ For the report of the Commission on its first session, see Official Records of the Economic and Social Council, 1992, Supplement No. 10 (E/1992/30).

2/ See Official Records of the Economic and Social Council, 1992, Supplement No. 10 (E/1992/30), chap. I, sect. C.

3/ United Nations publication, Sales No. E.92.XVII.6.

4/ HEUNI publication, No. 19-20.

5/ For example, most of the standards were recently translated into Estonian and published at Tallinn, through an initiative of Tartu University; the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials were translated into Polish and published by the Helsinki Federation in Warsaw. The latter document, as well as the Basic Principles on the Role of Lawyers, was included in the 1991 report of Amnesty International and in several publications of the International Commission of Jurists and of other non-governmental organizations. United Nations juvenile justice instruments have been translated into Portuguese by the Ministry of Justice of Portugal, and also widely disseminated in Brazil, with the support of the United Nations Children's Fund.

6/ See, for example, the conclusions and recommendations of the Meeting of Experts for the Evaluation of Implementation of United Nations Norms and Guidelines in Crime Prevention and Criminal Justice, held at Vienna from 14 to 16 October 1991 (E/CN.15/1992/4/Add.4).

Notes (continued)

7/ See E/CN.15/1992/4/Add.3 and Corr.1.

8/ Commission on Human Rights resolution 1992/31 of 28 February 1992 (see Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22, chap. II) and Commission on Narcotic Drugs resolution 11 (XXXV) of 15 April 1992 (ibid., Supplement No. 5 (E/1992/25, chap. XI).